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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/726,848	WONG, YOON KEAN	
	Examiner	Art Unit	
	ABBAS I. ABDULSELAM	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-27* is/are allowed.

6)☐ Claim(s) *1-11,13-20,28 and 30-32* is/are rejected.

7)☒ Claim(s) *12 and 29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/14/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to a communication filed on 01/02/2008. Claims 1-32 are pending.

Response to Arguments

2. Applicant's arguments filed 02/02/08 have been fully considered but they are not persuasive.

Applicant argues that the cited reference Oh (USPN 6771250) does not teach a plurality of buttons in communication with said processor, wherein one of said plurality of buttons is a dedicated home button for accessing a home application. The examiner disagrees with the applicant's argument.

As shown in the art rejection below, Oh teaches as shown in FIG. 4, launcher program 72 that when executed, menu list 100 is displayed in a screen of display panel 50 such that a plurality of application programs 120,125,130, and 135 and a blank item 110 are included in the menu list 100, and when a user moves a cursor position using launcher switch 40, selecting and executing an application program takes place (col. 4, lines 14-28).

Griffin (USPN 6396482) teaches as shown FIG. 2 a plurality of letter keys 901 and specialized keys 902-905 such that for example as shown in Fig. 6 when a key is depressed, its predefined functional state 901 is given to the microprocessor 400 and then to the operating system 910 (col. 7, lines 14-18). One of ordinary skill in the art would have ascertained that the keys (901-905) shown in Fig. 2 could be used for different functionalities.

Note that Kato et al. (USPN 6297795) is used to cover another limitation as show in the rejection below

Therefore, Oh in view of Griffin and Kato teach "a plurality of buttons in communication with said processor, wherein one of said plurality of buttons is a dedicated home button for accessing a home application".

Applicant argues that Oh reference does not teach a jog dial wheel for accessing and activating an application as claimed in the present Application. The examiner disagrees with the applicant's argument.

Oh teaches a launcher switch 40, which is connected to microcomputer 60 as shown in fig. 3, such that launcher switch 40 provides a launching signal to the micro controller 60, and a user selects and executes an application program by using the launcher switch 40 as shown in Fig. 4 (col. 4, lines 10-13, col. 4, lines 22-24).

Applicant argues that Kato does not teach a memory having RAM or ROM and a plurality of buttons in communication with a processor. The examiner disagrees with the applicant's argument.

Kato teaches an SRAM 23, which is a random access memory that does not require a refresh operation, and A FontROM 24, which is a read only memory in which are stored character images (i.e., fonts) that can be displayed on a liquid crystal display (LCD) panel 11 (Fig. 4 (100), Fig. 5 (23, 24), col. 10, lines 5-9).

Griffin teaches as shown FIG. 2 a plurality of letter keys 901 and specialized keys 902-905 such that for example as shown in Fig. 6 when a key is depressed, its predefined functional state 901 is given to the microprocessor 400 and then to the operating system 910 (col. 7, lines 14-18).

Therefore, Oh in view of Griffin and Kato teach "a memory having RAM or ROM and a plurality of buttons in communication with a processor".

Applicant argues the Griffin, Oh reference and Kato et al. references do not teach one of the applications is a communications application and a jog dial is utilized to access and activate said communications application. The examiner disagrees with the applicant's argument.

Oh teaches a launcher switch 40, which is connected to microcomputer 60 as shown in fig. 3, such that launcher switch 40 provides a launching signal to the micro controller 60, and a user selects and executes an application program by using the launcher switch 40 as shown in Fig. 4 (col. 4, lines 10-13, col. 4, lines 22-24). Note that Oh shows displayed application programs 120,125,130, and 135 registered in menu list 100 as shown in Fig. 4, and one of ordinary skill in the art would have ascertained that any of those program could be sued for communication purpose.

Applicant argues the Kato reference does not teach activating an application, and further argues Kato reference does not teach a plurality of buttons in communication with a processor. Applicant argues that a person of ordinary skill in the art would not find a motivation or suggestion to combine the Oh and Kato et al. references. The examiner disagrees with the applicant's argument.

Kato teaches rotary switch (12) as shown in Fig. 1 such that when the rotary switch 12 is rotated and is pressed, and when the menu focus is placed on a desired item, the highlighted menu item is selected (col. 11, lines 1-25).

As mentioned above, Oh teaches a launcher switch 40, which is connected to microcomputer 60 as shown in fig. 3, such that launcher switch 40 provides a launching signal to

the micro controller 60, and a user selects and executes an application program by using the launcher switch 40 as shown in Fig. 4 (col. 4, lines 10-13, col. 4, lines 22-24).

Also as mentioned above, Griffin teaches as shown FIG. 2 a plurality of letter keys 901 and specialized keys 902-905 such that for example as shown in Fig. 6 when a key is depressed, its predefined functional state 901 is given to the microprocessor 400 and then to the operating system 910 (col. 7, lines 14-18).

Therefore, Oh in view of Kato and Griffin read over claim limitations, "activating an application" and "a plurality of buttons in communication with a processor".

Oh does not teach a volatile memory and non-volatile memory as claimed in claim1.

Kato on the other hand teaches an SRAM 23, which is a random access memory that does not require a refresh operation, and a FontROM 24, which is a read only memory in which are stored character images (i.e., fonts) that can be displayed on a liquid crystal display (LCD) panel 11 (Fig. 4 (100), Fig. 5 (23, 24), col. 10, lines 5-9).

It would have been obvious fro one of ordinary skill in the art to modify Oh's hand-held computer (10) with Kato's RAM (23), ROM(24) , because the use of RAM (23) and ROM(24) allows a writing & reading operation at low cast, simplifies a circuit configuration of a system.

In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that Griffin does not teach a plurality of buttons wherein one of the plurality of buttons is a dedicated home button. The examiner disagrees with the applicant's argument.

As mentioned above, Griffin (USPN 6396482) teaches as shown FIG. 2 a plurality of letter keys 901 and specialized keys 902-905 such that for example as shown in Fig. 6 when a key is depressed, its predefined functional state 901 is given to the microprocessor 400 and then to the operating system 910 (col. 7, lines 14-18). It would have been obvious for one of ordinary skill in the art that Griffin keys (901-905) shown in Fig. 2 could be used for different functionalities, because using keys of an electronic device for various functionalities is well known.

Applicant argues the Griffin does not teach a jog dial for accessing and activating one of said applications, and further argues Griffin teaches away from a jog dial for accessing and activating one of the applications. Applicant argues that the Enter key to select an item teaches away from a jog dial for accessing and activating one of the applications. Furthermore, Applicant argues that a person of ordinary skill in the art would not find a motivation or suggestion to combine the teaching away Griffin et al. reference with the Oh and Kato et al. references. The examiner disagrees with the applicant's argument.

As mentioned above, Oh teaches a launcher switch 40, which is connected to microcomputer 60 as shown in fig. 3, such that launcher switch 40 provides a launching signal to the micro controller 60, and a user selects and executes an application program by using the launcher switch 40 as shown in Fig. 4 (col. 4, lines 10-13, col. 4, lines 22-24). Applicant has not shown how Griffin's entering technique teaches away from Oh's launcher switch 40. Oh's

launcher switch (40) and Griffin's enter operation are variations of input mechanisms that are provided as alternate inputting techniques.

In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that Kato reference does not teach the jog dial accesses the application list when depressed longer than a specific duration of time. The examiner disagrees with the applicant's argument.

Kato teaches a pressing of rotary switch 12 for a predetermined period of time in terms of displaying menu on display (col. 9, lines 27-32, col. 10, lines 53-58).

Applicant argues Kato reference does not teach activation occurs when the jog dial is depressed after said selection is made.

Kato teaches the rotary switch 12 is pressed once more while the menu focus is placed on a desired item, the highlighted menu item is selected, and the screen is changed to a display of data for the selected item (col. 11, lines 13-25).

Also, as mentioned above, Oh teaches a launcher switch 40, which is connected to microcomputer 60 as shown in fig. 3, such that launcher switch 40 provides a launching signal to the micro controller 60, and a user selects and executes an application program by using the launcher switch 40 as shown in Fig. 4 (col. 4, lines 10-13, col. 4, lines 22-24).

Applicant argues that the Griffin et al., Oh reference and Kato et al. references do not teach one of the applications is a cellular telephone application. The examiner disagrees with the applicant's argument.

As shown in the art rejection below, Oh teaches as shown in FIG. 4, a plurality of application programs 120,125,130, and 135 and a blank item 110 are included in the menu list 100, and when a user moves a cursor position using launcher switch 40, selecting and executing an application program takes place (col. 4, lines 14-28). Hence, it would have been obvious to incorporate any programmable application of an electronic device, since application program items can be registered additionally, deleted or changed as taught by Oh (col. 4, 20-22)

Applicant argues the Kato reference does not teach presenting an application list comprising a plurality of application identifiers on a display when said jog dial is depressed for at least a specific amount of time. The examiner disagrees with the applicant's argument.

Kato teaches the rotary switch 12 is pressed once more while the menu focus is placed on a desired item, the highlighted menu item is selected, and the screen is changed to a display of data for the selected item, see Fig. 10 in which the display screen changes with respect to selected items such as national news, business sport etc. (col. 11, lines 13-25).Kato teaches a pressing of rotary switch 12 for a predetermined period of time in terms of displaying menu on display (col. 9, lines 27-32, col. 10, lines 53-58).

As mentioned above, Oh also teaches as shown in FIG. 4, a plurality of application programs 120,125,130, and 135 and a blank item 110 are included in the menu list 100, and when a user moves a cursor position using launcher switch 40, selecting and executing an application program takes place (col. 4, lines 14-28). Note that as shown in fig. 4, each of the application programs 120,125,130, and 135 are identified

Applicant argues that Oh reference as modified fails to disclose the application list includes a cancel indicator for cancelling an access. Applicant further argues that Garthwaite et

al. reference does not teach an application list includes a cancel indicator for canceling an access when said jog dial is depressed. Applicant disagrees with an applicant's argument.

Oh teaches as shown in FIG. 4, launcher program 72 that when executed, menu list 100 is displayed in a screen of display panel 50 on which a plurality of application programs 120,125,130, and 135 are displayed, and when a user moves a cursor position using launcher switch 40, selecting and executing an application program takes place (col. 4, lines 14-28).

Garthwaite (USPN 5504500) teaches that when the user selects the ball rotation which corresponds to the vertically upward direction of cursor movement on the screen, and stores this in the computer by selecting the "okay" symbol 708 after the cursor 700 has reached the target 702 such the user may cancel a choice by selecting the cancel icon 706 (see fig. 61 (706), cancel icon 706).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious for one of ordinary skill in the art to modify Oh's hand-held computer (10) with Kato's RAM (23), ROM(24) , because the use of RAM (23) and ROM(24) allows a writing & reading operation at low cast, and simplifies a circuit configuration of a system. Moreover, it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Oh's hand held computer (10), which accesses application

programs (120, 125, 130, 135) as shown in Fig. 4 with Griffin's use of plurality of letter keys 902 as shown in Fig. 2, because the use of letter keys (901) as configured in Fig. 1 enables a hand-held electronic device to function with less number of keys and enables a user to enter more information. Also it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oh (as modified by Kato and Griffin) with Garthwaite's cancel icon (706) in order to provide quick way of conveying information to a user.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11, 13-17, 19-20, 28, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (6,771,250) in view of Griffin et a1(6,396,482).

As to Claims 11, 13-17, 19-20, 28, 30 and 32, Oh teaches a personal digital assistant jog dial application access and activation system (10) that includes, a display (50) for displaying an image including listing of applications (120-135)(see figures 1-2, 4 and column 4, lines 13-20), a central processor (60) for processing the information, a memory (70) for storing information and instruction for the central processor(60), and a Jog dial (40) for accessing and activating an application and coupled to data bus(see figures 1-4; column 3, lines 22-45 and column 4, lines 1-23).

Note that Oh shows displayed application programs 120,125,130, and 135 registered in menu list 100 as shown in Fig. 4, and one of ordinary skill in the art would have ascertained that any of those program could be used for communication purpose.

Oh fails to teach receiving input from a plurality of buttons, wherein one of said plurality of buttons is a dedicated home button.

Griffin et al teaches a portable electronic device comprising a plurality of buttons (901-906) in communication with the processor (400) (see figures 1-3, 6; column 6, lines 1-31 and column 7, lines 14-29). Note that one of ordinary skill in the art would have ascertained that the keys (901-905) shown in Fig. 2 could be used for different functionalities. It would have been obvious to have modified Oh as modified with the teaching of Griffin et al, so as to enable a user to enter more information (character, number, etc.) to a processor.

As to claims 11, 14-17, 19, 20, 28 and 30, Oh teaches the selection of the items(110) is carried out by highlighting indicator on the display when the jog dial(40) is rotated(see figures 1-2, 4 and column 4, lines 14-20).

As to claim 16, Oh teaches that the highlight indicator moves up the application list when the jog dial(40) is rotated up and moves down the application list when the jog dial is rotated down (see figures 1-2, 4 and column 4, lines 14-20).

As to claim 32, Oh teaches a cancel or off indicator for turning the device off (see figures 1, 4 and column 4, lines 13-25).

As to claims 14, Oh teaches the jog dial application activation system having application icons and titles (see figure 4).

4. Claim 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (6,771,250) in view of Griffin et a1 (6,396,482) and Garthwaite et a1 (5,504,500).

Oh as modified fail to disclose the application list includes a cancel indicator for canceling an access.

Garthwaite et al the application list (704-706) includes a cancel indicator (706) for canceling an access (see figure 61; column 24, lines 46-68 and column 25, lines 1-47). It would have been obvious to have modified Oh as modified with the teaching of Garthwaite et al, so as to provide a quick way of conveying information to a user.

5. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh(6,771,250) in view of Kato et a1(6,297,795) and Griffin et a1(6,396,482).

As to Claims 1-6 and 8-10, Oh teaches a personal digital assistant jog dial application access and activation system (10) that includes, a display (50) for displaying an image including listing of applications (120-135)(see figures 1-2, 4 and column 4, lines 13-20), a central processor (60) for processing the information, a memory (70) for storing information and instruction for the central processor(60), and a Jog dial (40) for accessing and activating an application and coupled to data bus(see figures 1-4; column 3, lines 22-45 and column 4, lines 1-23).

Note that Oh shows displayed application programs 120,125,130, and 135 registered in menu list 100 as shown in Fig. 4, and one of ordinary skill in the art would have ascertained that any of those program could be used for communication purpose.

Oh teaches a memory (70), but Oh fails to teach a memory having RAM and ROM and a plurality of buttons in communication with the processor, wherein one of said plurality of buttons is a dedicated home button.

Kato et al teach a jog dial application access system comprising a display 11) for displaying a listing of applications(see figure 9) ; a central processor(20); a RAM(23); a ROM(24 or 25) and a jog dial(12)(see figures 1-5, 9-11; column 9, lines 64-68; column 10, lines 1-33 and lines 59-67; and column11, lines 1-25). It would have been obvious to have modified Oh with the teaching of Kato et al, so the changeable programs could store in an RAM to allow a writing operation and reading operation at low cost, small size, low electric power consumption and high-speed access, the non-changeable programs could stored in an ROM to simplify the circuit configuration of a system and provide better data retention and longer life.
Griffin et al teaches a portable electronic device comprising a plurality of buttons (901-906) in communication with the processor (400) (see figures 1-3, 6; column 6, lines 1-31 and column 7, lines 14-29). Note that one of ordinary skill in the art would have ascertained that the keys (901-905) shown in Fig. 2 could be used for different functionalities. It would have been obvious to have modified Oh as modified with the teaching of Griffin et al, so as to enable a user to enter more information (character, number, etc.) to a processor.

As to claim 4, Oh teaches the selection of the items(110) is carried out by highlighting indicator on the display when the jog dial(40) is rotated(see figures 1-2, 4 and column 4, lines 14-20).

As to claim 4, Kato et al teach the selection of the items is carried out by highlighting indicator on the display when the jog dial(12)is rotated(see figures 1,9-12 and column 11, lines 1-25).

As to claim 5, Kato et al teaches depressing (clicking) the jog dial to activate the system (see figures 1, 9; column 8, lines 61-68; column 9, lines 1-6; column 11, lines 13-25).

As to claim 6, Oh teaches that the highlight indicator moves up the application list when the jog dial(40) is rotated up and moves down the application list when the jog dial is rotated down (see figures 1-2, 4 and column 4, lines 14-20).

As to claim 8, Oh teaches a cancel or off indicator for turning the device off (see figures 1, 4 and column 4, lines 13-25).

As to claim 9, Kato et al teaches that the application is activated when the jog dial is depressed a specified number of times (see figures 1, 9-12 and column 11, lines 13- 25).

As to claim 2, Kato et al teach the jog dial (12) accesses the application when depressed longer than a specific duration of time (see figures 1; column 9, lines 27-32 and column 10, lines 53-58).

As to claim 10, Oh teaches the jog dial application activation system having application icons and titles (see figure 4).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh (6,771,250) in view of Kato et a1 (6,297,795), Griffin et a1 (6,396,482) and Garthwaite et a1 (5,504,500).

Oh as modified fail to disclose the application list includes a cancel indicator for canceling an access.

Garthwaite et al the application list (704-706) includes a cancel indicator (706) for canceling an access (see figure 61; column 24, lines 46-68 and column 25, lines 1-47). It would have been obvious to have modified Oh as modified with the teaching of Garthwaite et al, so as to provide a quick way of conveying information to a user.

Allowable Subject Matter

7. Claims 12 and 29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-27 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABBAS I. ABDULSELAM whose telephone number is (571)272-7685. The examiner can normally be reached on Monday through Friday from 9:00A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691.The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Abbas I Abdulselam/

Primary Examiner, Art Unit 2629